

REMARKS

Claims 1-28 are pending. Of these, claim 28 has been withdrawn as being directed to a non-elected invention. Claim 28 has been canceled without prejudice or disclaimer. Claim 1 has been cancelled without prejudice or disclaimer and replaced with new claim 29. Support for the new claim appears, e.g., in original claims 1 and 9 and in paragraph 0023-0025 of the disclosure. Claims 2 and 6-8 have been amended to depend on new claim 29. Claims 7 and 8 have further been amended to recite with greater specificity the subject matter of the claimed inventions. Claim 9 has been amended to incorporate limitations from original claim 1 and additional features disclosed, e.g., in paragraph 0023-0025 of the disclosure. Claim 10 has been cancelled without prejudice or disclaimer. Claims 11 and 16-18 have been amended to depend on claim 9. Claims 19-27 have been cancelled without prejudice or disclaimer. New claims 30-32 have been added. Claims 30 and 32 depend on claim 29, while claim 31 depends on claim 9. Claim 30 is supported by original claim 8. Claims 31 and 32 are supported, e.g., by original claims 1 and 9. Accordingly, claims 2-9, 11-18, and 29-32 are presented for further consideration.

Claims 9 and 10 stand rejected under 35 USC 101 as allegedly directed to non-statutory subject matter. Cancellation of claim 10 moots the rejection thereof. Applicants submit that present claim 9 fully complies with the requirements of 35 USC 101, and respectfully request withdrawal of the rejection on this basis.

Claims 6 and 7 stand rejected under 35 USC 112, second paragraph, for alleged indefiniteness. Applicants submit that present claims 6 and 7 meet the definiteness requirement of 35 USC 112, second paragraph, and respectfully urge that the rejection based thereon be withdrawn.

Claims 1-5, 8, 10-15 and 18-27 stand rejected under 35 USC 103(a) as unpatentably obvious over Feathers et al. in view of Perri, III et al. and further in view of Guerreri. Claims 6, 7, 16 and 17 likewise stand rejected under 35 USC 103(a) as unpatentable over the preceding prior art, and further in view of Official Notice. As shall be show, however, present claims 9 (on which claims 10-18 depend) and 29 (on which claims 2-8 now depend) define inventions which are nowhere suggested by the cited art.

The present claims are directed to methods for eliminating fraudulent charge-backs associated with the acquisition of memberships in sites on a network. The inventive methods achieve this by tying the memberships so acquired to the shipment and receipt to the requesters of

tangible goods. Records of the shipment of the tangible goods to the requesters are thus available in the event that a requester subsequently attempts fraudulently to request a charge-back on the ground that he did not in fact request the membership. The existence of the records generated by the shipment of the tangible good tied to the membership refutes the fraudulent charge-back request, and provides a basis for denial of the charge-back request, thus reducing or eliminating the occurrence of such fraudulent charge-backs. See paragraph 0025 of the disclosure.

Neither Feathers et al. nor the secondary Perri, III et al. and Guerreri references appear to disclose or suggest, or even contemplate, methods for reducing or eliminating fraudulent charge-backs, let alone the specific methods presently claimed, which tie membership requests to the shipment of tangible goods. Nor do the various references of which the PTO has taken Official Notice appear to provide such teachings. Therefore, the cited art could not have led one of ordinary skill to the presently claimed inventions. The references thus must fail as Section 103 teachings. Withdrawal of the rejections based thereon is earnestly solicited.

The foregoing arguments apply as well to newly added claims 30-32. Passage to issue thereof is respectfully urged.

In view of the amendments to the claims and the foregoing remarks, it is submitted that all present claims are in condition for allowance. Should the Examiner have any questions, he is invited to contact the undersigned at the telephone number indicated.

Respectfully submitted,



Michael M. Gerardi
Reg. No. 33,698

12/23 /2008
Date

2801 Townsgate Road, Suite 200
Westlake Village, CA 91361
Tel: (951) 672-4354